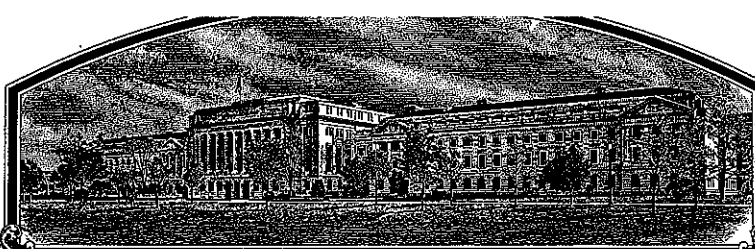


No.

200500342



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*I Star Lettuce, LLC*

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE HERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

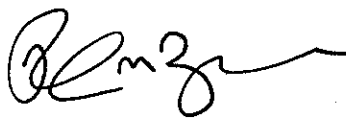
NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

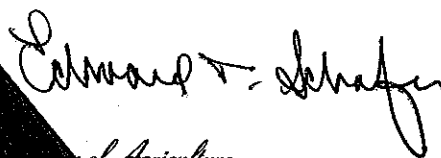
LETTUCE

'Challenger'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of April, in the year two thousand and eight.*

Attest:

  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>3 STAR LETTUCE, LLC</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME	3. VARIETY NAME <b>CHALLENGER</b>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>P.O. BOX 10489 SALINAS, CA 93912</b>		5. TELEPHONE (include area code) <b>(831) 675-3790</b>	<b>FOR OFFICIAL USE ONLY</b> PVPO NUMBER <b>200500342</b> FILING DATE <b>September 7, 2005</b>
		6. FAX (include area code) <b>(831) 675-3826</b>	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>LLC</b>	8. IF INCORPORATED, GIVE STATE OF INCORPORATION	9. DATE OF INCORPORATION	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>KENNETH L. DUBAS P.O. BOX 10489 SALINAS, CA 93912</b>		F E E S R E C E I V E D FILING AND EXAMINATION FEES: \$ <b>917.05</b> DATE <b>3.6.52 -</b> CERTIFICATION FEE: \$ <b>768 -</b> DATE <b>3/25/2008</b>	
11. TELEPHONE (Include area code) <b>(831) 675-3790</b>	12. FAX (Include area code) <b>(831) 675-3826</b>	13. E-MAIL	
14. CROP KIND (Common Name) <b>LETTUCE</b>	16. FAMILY NAME (Botanical) <b>COMPOSITAE</b>	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP <b>LACTUCA SATIVA</b>	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <b>U.S.A 9/9/04</b> IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER

SIGNATURE OF OWNER

NAME (Please print or type)

NAME (Please print or type)

CAPACITY OR TITLE

DATE

CAPACITY OR TITLE

DATE

(See reverse for instructions and information collection burden statement)

200500342

**GENERAL INSTRUCTIONS:** To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

**Plant Variety Protection Office**  
**Telephone:** (301) 504-5518 **FAX:** (301) 504-5291  
**General E-mail:** PVPOmail@usda.gov  
**Homepage:** <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

#### SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, Seed Regulatory and Testing Branch, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

#### ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
 (2) the details of subsequent stages of selection and multiplication;  
 (3) evidence of uniformity and stability; and  
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
 (1) identify these varieties and state all differences objectively;  
 (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
 (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

### Exhibit A - Origin & Breeding History

Challenger originated from a hand pollinated cross between the variety King Henry and a plant selected from a private breeding line CVS RH98a. CVS RH98a was given to Tanimura and Antle personnel for trialing. The cross was made by Tanimura & Antle personnel using King Henry as the Female parent and CVS RH98a as the Male parent. The cross was made in 1997. The F1 seed was planted in the greenhouse in 1997 and the seed was harvested in December 1997. The F2 seed was planted in Salinas, California in 1998. The progeny was observed and several plants were selected based on phenotypic traits such as large size, blistered leaf surface and thick leaves. The selected plants were allowed to reproduce. Seed was harvested from the selected plants and they were planted in Huron, California in the Fall of 1998. The progeny was observed and 3 plants were selected based on size, leaf surface and thickness. The selected plants were removed and taken to the greenhouse where they were allowed reproduce. Seed was harvested from the selected plants and was planted in Salinas, California in March of 1999. The progeny was observed and 2 plants were selected based on the desired phenotypes of plant size, leaf surface as well as early maturity. The selected plants were allowed to reproduce. The seed was harvested and planted in Huron, California in the Fall of 1999. The progeny was observed and 4 plants were selected from the #2 plant based on size, maturity and leaf surface. The plants were removed from the field and taken to the greenhouse where they were allowed to reproduce. Seed was harvested and planted in Salinas, California and Huron, California in 2000. Progeny from the #2 planted selected had the desired phenotypic traits of plant size, color, leaf surface, thickness and early maturity. Seed was increased in 2002 and an extensive trialing program followed.

Challenger has been observed for four generations on increases from 2002 through 2005 of reproduction and during the seed increases and is stable and uniform. No variants are observed.

Exhibit B – Statement of Distinctness

Challenger is a Romaine variety that is most similar to King Henry. It differs from King Henry in several ways. The core length in Challenger is longer than King Henry. See Table A and B. The plant weight of Challenger is greater than that of King Henry. See Table A and B. Challenger is faster to mature than King Henry as noted in Exhibit C.

## Planting Date of 9/01/04 in Huron, California

Plant #	Challenger			King Henry		
	Plant Height (cm)	Core Length (cm)	Weight (gm)	Plant Height (cm)	Core Length (cm)	Weight (gm)
1	33	6.1	845	30	3.2	710
2	30	6.3	830	29	3.3	725
3	29	7.0	815	28	3.3	740
4	33	6.2	795	29	4.0	715
5	31	5.6	810	29	3.9	750
6	32	6.5	805	29	4.6	700
7	31	6.4	780	30	4.3	740
8	33	6.3	795	28	4.0	745
9	33	7.1	745	28	3.4	705
10	32	6.4	800	28	3.6	710
11	31	6.7	810	28	4.1	725
12	31	6.3	835	29	4.4	740
13	31	7.1	820	28	3.6	735
14	33	7.6	815	29	3.3	700
15	32	6.4	780	29	3.4	715
16	32	6.3	800	27	4.0	760
17	32	6.5	810	27	4.2	710
18	31	6.0	795	30	4.0	725
19	31	6.3	840	28	3.3	720
20	33	7.2	815	28	3.5	715
21	33	6.5	800	28	3.9	740
22	32	5.6	820	29	5.0	710
23	32	6.5	835	27	3.6	720
24	33	6.5	760	27	3.2	735
25	32	6.6	795	29	3.1	705
Average	31.84	6.48	806	28.44	3.768	723.8
std	1.068	0.459	23.629	0.917	0.493	16.601

Challenger			King Henry		
Plant Height	Core Length	Weight	Plant Height	Core Length	Weight
12.0814	20.1263	14.2325			
5.2299x10 <sup>-16</sup>	5.7028x10 <sup>-26</sup>	6.9694x10 <sup>-18</sup>	significantly different	significantly different	significantly different

Planting Date of 9/20/04 in Yuma, Arizona

Plant #	Challenger			King Henry		
	Plant Height (cm)	Core Length (cm)	Weight (gm)	Plant Height (cm)	Core Length (cm)	Weight (gm)
1	35	5.4	840	29	3.7	740
2	34	5.0	890	30	3.6	740
3	32	5.1	885	31	3.5	755
4	32	4.9	840	30	3.7	715
5	33	4.7	860	29	3.4	730
6	33	4.8	845	29	4.0	725
7	33	3.9	840	27	3.6	715
8	31	4.9	885	29	3.5	740
9	34	5.0	830	29	3.6	780
10	34	5.1	860	29	3.4	700
11	33	5.5	795	30	3.3	720
12	33	5.4	780	30	3.7	725
13	32	5.4	840	28	3.5	745
14	33	5.0	830	29	3.0	730
15	33	4.7	840	29	3.9	710
16	33	4.9	840	29	3.2	745
17	34	4.5	855	28	4.0	770
18	34	5.1	870	30	3.9	765
19	34	3.9	840	30	3.6	710
20	33	4.1	820	28	3.7	735
21	33	4.7	815	28	3.9	735
22	32	4.5	820	27	4.0	720
23	32	4.4	845	28	3.1	715
24	34	5.1	800	29	3.2	720
25	33	5.4	765	28	3.4	710
Average	33.08	4.856	837.2	28.92	3.576	731.8
std	0.909	0.449	30.825	0.997	0.285	20.201

Ttest	Plant Height		Core Length		Weight	
	8.555x10 <sup>-20</sup>	15.078	5.667x10 <sup>-15</sup>	12.0348	1.2939x10 <sup>-17</sup>	14.2994
P Value	significantly different		significantly different		significantly different	

**Statement of Distinctness**

Challenger romaine lettuce has a significantly longer core length and possesses a significantly heavier weight than King Henry romaine lettuce.

200500342

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY  
Lettuce (*Lactuca sativa* L.)

NAME OF APPLICANT (S) 3 Star Lettuce, LLC	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME Challenger
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) P.O. Box 10489 Salinas, CA 93912		FOR OFFICIAL USE ONLY PVPO NUMBER 200500342

Place the appropriate number that describes the varietal character in the boxes below. Place a zero in the first box (e.g.    or   ) when number is either 99 or less or 9 or less. Measured data should be the mean of an appropriate number (at least 20) of well space plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The Location of the Test Area is: San Joaquin Valley of Calif. Southwest and Colorado	Color System Used: RHS 136 B
--	---------------------------------

SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties, which are adapted to your area. One of the comparison varieties must be the most similar variety used in Exhibit B.

Application Variety (a1) Challenger Most Similar Variety (c1) King Henry  
Standard Regional Check Variety (c2) \_\_\_\_\_

1. PLANT TYPE: (See List of Suggested Check Varieties on Page 8)

01 = Cutting/Leaf 02 = Butterhead 03 = Bibb	04 = Cos or Romaine 05 = Great Lakes Group 06 = Vanguard Group	07 = Salinas Group 08 = Eastern (Ithaca) Group 09 = Stem	10 = Latin 11 = Other (Specify) _____
(a1) <input type="text" value="0"/> <input type="text" value="4"/>	(c1) <input type="text" value="0"/> <input type="text" value="4"/>	(c2) <input type="text" value=""/> <input type="text" value=""/>	

2. SEED:

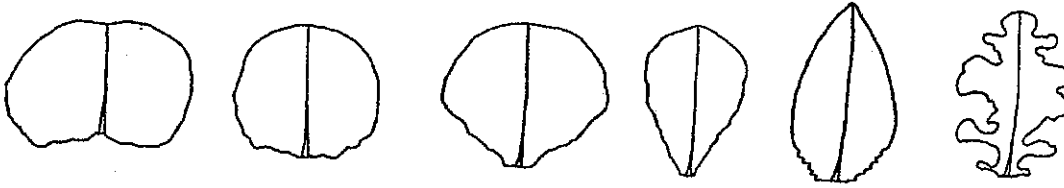
(a1) <input type="text" value="2"/> } COLOR 1 = White (Silver Gray) 2 = Black (Grey Brown) 3 = Brown (Amber)	(a1) <input type="text" value="2"/> } LIGHT DORMANCY 1 = Light Required 2 = Light Not Required	(a1) <input type="text" value="1"/> } HEAT DORMANCY 1 = Susceptible 2 = Not Susceptible
(c1) <input type="text" value="2"/>	(c1) <input type="text" value="2"/>	(c1) <input type="text" value="1"/>
(c2) <input type="text" value=""/>	(c2) <input type="text" value=""/>	(c2) <input type="text" value=""/>

3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day-old seedling grown under optimal conditions.

SHAPE OF COTYLEDONS: 1 = Broad 2 = Intermediate 3 = Spatulate	(a1) <input type="text" value="1"/>	(c1) <input type="text" value="1"/>	(c2) <input type="text" value=""/>
SHAPE OF FOURTH LEAF:	(a1) <input type="text" value="4"/>	(c1) <input type="text" value="4"/>	(c2) <input type="text" value=""/>



## 3. COTYLEDON TO FOURTH LEAF STAGE: (continued)



1. Transverse oval

2. Round

3. Oval

4. Elongated

5. Lanceolate

6. Pinnately lobed

## LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

(a1) (c1) (c2) 

## APICAL MARGIN:

1 = Entire  
2 = Crenate/Gnawed  
3 = Finely Dentate

4 = Moderately Dentate  
5 = Coarsely Dentate  
6 = Incised

7 = Lobed  
8 = Other (Specify) \_\_\_\_\_

(a1) (c1) (c2) 

## BASAL MARGIN: (Use the options for Apical Margin above)

(a1) (c1) (c2) 

## UNDULATION:

1 = Flat

2 = Slight

3 = Medium

4 = Marked

(a1) (c1) (c2) 

## GREEN COLOR:

1 = Yellow Green  
2 = Light Green

3 = Medium Green  
4 = Dark Green

5 = Blue Green  
6 = Silver Green

7 = Grey Green

(a1) (c1) (c2) 

## ANTHOCYANIN:

## DISTRIBUTION:

1 = Absent  
2 = Margin Only

3 = Spotted  
4 = Throughout

5 = Other (Specify) \_\_\_\_\_

(a1) (c1) (c2) 

## CONCENTRATION:

1 = Light

2 = Moderate

3 = Intense

(a1) (c1) (c2) 

## ROLLING:

1 = Absent

2 = Present

(a1) (c1) (c2) 

## CUPPING:

1 = Uncupped

2 = Slight

3 = Markedly

(a1) (c1) (c2) 

## REFLEXING:

1 = None

2 = Apical Margin

3 = Lateral Margins

(a1) (c1) (c2)

**4. MATURE LEAVES** (Observe Harvest-Mature Outer Leaves)

NOTE: Provide color photo of a harvest-mature leaf which accurately shows color and margin characteristics.

**MARGIN:****INCISION DEPTH:**  
(deepest penetration  
of the margin)

1 = Absent/Shallow (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Deep (Great Lakes 659)

(a1)

(c1)

(c2)

**INDENTATION:** (Finest divisions of the margin)

1 = Entire (Dark Green Boston)

4 = Crenate (Vanguard)

2 = Shallowly Dentate (Great Lakes 65)

5 = Other (Specify) \_\_\_\_\_

3 = Deeply Dentate (Great Lakes 659)

(a1)

(c1)

(c2)

**UNDULATIONS OF THE  
APICAL MARGIN:**

1 = Absent/Slight (Dark Green Boston) 2 = Moderate (Vanguard)

3 = Strong (Great Lakes 659)

(a1)

(c1)

(c2)

**GREEN COLOR:**

1 = Very Light Green (Bibb)

3 = Medium Green (Great Lakes)

5 = Very Dark Green

2 = Light Green (Minetto)

4 = Dark Green (Vanguard)

6 = Other (Specify) \_\_\_\_\_

(a1)

(c1)

(c2)

**ANTHOCYANIN:****DISTRIBUTION:**

1 = Absent

3 = Spotted (California Cream Butter)

5 = Other (Specify) \_\_\_\_\_

2 = Margin Only (Big Boston)

4 = Throughout (Prize Head)

(a1)

(c1)

(c2)

**CONCENTRATION:**

1 = Light (Iceberg)

2 = Moderate (Prize Head)

3 = Intense (Ruby)

(a1)

(c1)

(c2)

**SIZE:**

1 = Small

2 = Medium

3 = Large

(a1)

(c1)

(c2)

**GLOSSINESS:**

1 = Dull (Vanguard)

2 = Moderate (Salinas)

3 = Glossy (Great Lakes)

(a1)

(c1)

(c2)

**BLISTERING:**1 = Absent/Slight  
(Salinas)2 = Moderate  
(Vanguard)3 = Strong  
(Prize Head)

(a1)

(c1)

(c2)

**LEAF THICKNESS:**

1 = Thin

2 = Intermediate

3 = Thick

(a1)

(c1)

(c2)

**TRICHOMES:**

1 = Absent (Smooth)

2 = Present (Spiny)

(a1)

(c1)

(c2)

**5. PLANT:****SPREAD OF FRAME LEAVES:** N/A

(a1)

cm

(c1)

cm

(c2)

cm

## 5. PLANT: (continued)

HEAD DIAMETER: (Market Trimmed with Single Cap Leaf)

(a1)   cm(c1)   cm(c2)   cm

HEAD SHAPE:

1 = Flattened

3 = Spherical

5 = Non-Heading

2 = Slightly Flattened

4 = Elongate

6 = Other (Specify) \_\_\_\_\_

(a1)  (c1)  (c2)  

HEAD SIZE CLASS:

1 = Small

2 = Medium

3 = Large

(a1)  (c1)  (c2)  

HEAD PER CARTON:

(a1)  (c1)  (c2)  

HEAD WEIGHT:

(a1)     g.(c1)     g.(c2)     g.

HEAD FIRMNESS:

1 = Loose

2 = Moderate

3 = Firm

4 = Very Firm

(a1) (c1) (c2) 

## 6. BUTT:

SHAPE:

1 = Slightly Concave

2 = Flat

3 = Rounded

4 = Pointed

(a1) (c1) (c2) 

MIDRIB:

1 = Flattened (Salinas)

2 = Moderately Raised

3 = Prominently Raised (Great Lakes 659)

(a1) (c1) (c2) 

## 7. CORE:

DIAMETER AT BASE OF HEAD:

(a1)   mm(c1)   mm(c2)   mm

RATIO OF HEAD DIAMETER/CORE DIAMETER:

(a1)   (c1)   (c2)   

CORE HEIGHT FROM BASE OF HEAD TO APEX:

(a1)   mm(c1)   mm(c2)   mm8. BOLTING: (Give First Water Date: 4/1/04)

NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

NUMBER OF DAYS FROM FIRST WATER DATE TO SEED STALK EMERGENCE: (summer conditions)

(a1)  (c1)  (c2)  

BOLTING CLASS:

1 = Very Slow

3 = Medium

5 = Very Rapid

2 = Slow

4 = Rapid

(a1) (c1) (c2) 

HEIGHT OF MATURE SEED STALK:

(a1) cm (c1) cm (c2) cm

## 8. BOLTING: (continued)

## SPREAD OF BOLTER PLANT: (At widest point)

(a1)  cm (c1)  cm (c2)  cm

## BOLTER LEAVES: 1 = Straight 2 = Curved

(a1)  (c1)  (c2) 

## MARGIN: 1 = Entire 2 = Dentate

(a1)  (c1)  (c2) 

## COLOR: 1 = Light Green 2 = Medium Green 3 = Dark Green

(a1)  (c1)  (c2) 

## BOLTER HABIT:

## TERMINAL INFLORESCENCE: 1 = Absent 2 = Present

(a1)  (c1)  (c2) 

## LATERAL SHOOTS: 1 = Absent 2 = Present

(a1)  (c1)  (c2) 

## BASAL SIDE SHOOTS: 1 = Absent 2 = Present

(a1)  (c1)  (c2) 

## 9. MATURITY: (earliness of harvest-mature head formation)

NOTE: Complete this section for at least one season.

SEASON	APPLICATION VARIETY No. of Days <sup>1</sup>		MOST SIMILAR VARIETY No. of Days <sup>1</sup>		STANDARD REGIONAL CHECK VARIETY No. of Days <sup>1</sup>		
Spring		120		125			
Summer		70		74			
Fall		65		69			
Winter							

First Water Date to Harvest

Give Planting Date(s) and Location(s):

Spring: 12/15/04 - Hunn, California

Summer: 5/26/05 - Center, Colorado

Fall: 9/1/04 - Hunn, California

Winter: NOT Adapted

## 10. ADAPTATION:

## PRIMARY REGIONS OF ADAPTATION (tested and proven adapted):

0 = Not Tested 1 = Not Adapted 2 = Adapted

Southwest (CA and/or AZ desert)  West Coast  Northeast

North Central  Southeast  Other (Specify) Colorado

## 10. ADAPTATION: (Continued)

## SEASON:

☒ Spring (Area Huron, Ca)      ☒ Fall (Area Southwest)  
☒ Summer (Area Center, CO)      ☐ Winter (Area \_\_\_\_\_)

☐ GREENHOUSE: 0 = Not Tested      1 = Not Adapted      2 = Adapted  
☐ SOIL TYPE: 1 = Mineral      2 = Organic      3 = Both

## 11. VIRAL DISEASES:

1 = Immune      3 = Resistant      5 = Moderately Resistant/Moderately Susceptible      7 = Susceptible      9 = Highly Susceptible

Big Vein	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Lettuce Mosaic	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Cucumber Mosaic	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Tomato Bushy Stunt, cause of dieback	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Turnip Mosaic	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Beet Western Yellows	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Lettuce Infectious Yellows	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

## 12. FUNGAL/BACTERIAL DISEASES:

1 = Immune      3 = Resistant      5 = Moderately Resistant/Moderately Susceptible      7 = Susceptible      9 = Highly Susceptible

Corky Root Rot (Races: _____)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Downy Mildew (Races: _____)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Powdery Mildew	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Sclerotinia Drop	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Bacterial Soft Rot ( <i>Pseudomonas</i> spp. and others)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Botrytis (Grey Mold)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Verticillium Wilt	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Bacterial Leaf Spot	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Anthracnose	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

## 13. INSECTS:

1 = Immune      3 = Resistant      5 = Moderately Resistant/Moderately Susceptible      7 = Susceptible      9 = Highly Susceptible

Cabbage Loopers	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Root Aphids	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Green Peach Aphid	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Lettuce Aphid	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

Pea Leafminer	(a1)	<input type="text"/>	(c1)	<input type="text"/>	(c2)	<input type="text"/>
Other (Specify) _____	(a1)	<input type="text"/>	(c1)	<input type="text"/>	(c2)	<input type="text"/>

**14. PHYSIOLOGICAL STRESSES:**

	1 = Immune	3 = Resistant	5 = Moderately Resistant/Moderately Susceptible	7 = Susceptible	9 = Highly Susceptible
Tipburn			(a1) <input type="text" value="5"/>	(c1) <input type="text" value="5"/>	(c2) <input type="text"/>
Heat			(a1) <input type="text" value="7"/>	(c1) <input type="text" value="5"/>	(c2) <input type="text"/>
Drought			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>
Cold			(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text"/>
Salt			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>
Brown Rib (Rib Discoloration, Rib Blight)			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>
Other (Specify) _____			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>

**15. POST HARVEST STRESS:**

	1 = Immune	3 = Resistant	5 = Moderately Resistant/Moderately Susceptible	7 = Susceptible	9 = Highly Susceptible
Pink Rib			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>
Russet Spotting			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>
Rusty Brown Discoloration			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>
Internal Rib Necrosis (Blackheart, Grey Rib, Grey Streak)			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>
Brown Stain			(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>

**16. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:**

## 17. COMMENTS:

## SUGGESTED CHECK VARIETIES

TYPE	CHECK VARIETY
1 Cutting/Leaf	Waldmann's Green
2 Butterhead	Dark Green Boston
3 Bibb	Bibb
4 Cos or Romain	Parris Island
5 Great Lakes Group	Great Lakes 659-700
6 Vanguard Group	Vanguard
7 Salinas Group	Salinas
8 Eastern Group	Ithaca
9 Stem	Celtuce
10 Latin	Little Gem

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- Davis, R.M., K.V. Subbarao, R.N. Raid, and E.A. Kurtz, 1997. "Compendium of Lettuce Diseases". APS Press, St. Paul, MN.
- Michelmore, R.W., J. M. Norwood, D.S. Ingram, I.R. Crute and P. Nicholson. 1984. "The inheritance of virulence in *Bremia lactucae* to match resistance factors 3, 4, 5, 6, 8, 9, 10, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
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- Rodenburg, C.M., et al., 1960. "Varieties of Lettuce. An International Monograph", Instituut voor de Verdeling van Tuinbouwgewassen (IVT), Wageningen, NL.
- Ryder, E.J., 1999, *Lettuce, Endive, and Chicory*, CABI Publications, Wallingford, UK.

Exhibit D

Challenger has a more upright growth habit than the variety King Henry. The butt shape of Challenger is more pointed than rounded. Challenger will close in or cup in at the top sooner than King Henry.



Table A

Planting date of 9-1-04 in Huron, California. Maturity Challenger 11-4,  
King Henry 11-8.

## Challenger

Plant #	Plant Height	Core Length	Core Diameter	Weight
1	33	6.1	3.5	845
2	30	6.3	3.4	830
3	29	7.0	3.6	815
4	33	6.2	3.4	795
5	31	5.6	3.0	810
6	32	6.5	3.3	805
7	31	6.4	3.2	780
8	33	6.3	3.1	795
9	33	7.1	3.3	745
10	32	6.4	3.6	800
11	31	6.7	3.7	810
12	31	6.3	3.0	835
13	31	7.1	3.6	820
14	33	7.6	3.5	815
15	32	6.4	3.4	780
16	32	6.3	3.5	800
17	32	6.5	3.2	810
18	31	6.0	3.3	795
19	31	6.3	3.1	840
20	33	7.2	3.2	815
21	33	6.5	3.4	800
22	32	5.6	3.6	820
23	32	6.5	3.7	835
24	33	6.5	3.3	760
25	32	6.6	3.2	795

32 6.5 3.4 806

## King Henry

Plant #	Plant Height	Core Length	Core Diameter	Weight
1	30	3.2	3.4	710
2	29	3.3	3.4	725
3	28	3.3	3.9	740
4	29	4.0	3.3	715
5	29	3.9	3.2	750
6	29	4.6	4.0	700
7	30	4.3	4.1	740
8	28	4.0	3.4	745
9	28	3.4	3.6	705
10	28	3.6	3.4	710
11	28	4.1	4.2	725
12	29	4.4	3.4	740
13	28	3.6	3.7	735
14	29	3.3	3.9	700
15	29	3.4	3.8	715
16	27	4.0	3.4	760
17	27	4.2	4.1	710
18	30	4.0	4.0	725
19	28	3.3	3.2	720
20	28	3.5	3.9	715
21	28	3.9	3.7	740
22	29	5.0	4.1	710
23	27	3.6	3.3	720
24	27	3.2	3.6	735
25	29	3.1	3.8	705

28 3.8 3.7 724

Table B

Planting date of 9-20-04 in Yuma, Arizona. Maturity Challenger 11-21 and King Henry 11-25.

**Challenger**

Plant #	Plant Height	Core Length	Weight
1	35	5.4	840
2	34	5.0	890
3	32	5.1	885
4	32	4.9	840
5	33	4.7	860
6	33	4.8	845
7	31	3.9	840
8	34	4.9	885
9	34	5.0	830
10	33	5.1	860
11	33	5.5	795
12	32	5.4	780
13	32	5.4	840
14	33	5.0	830
15	33	4.7	840
16	33	4.9	840
17	34	4.5	855
18	34	5.1	870
19	34	3.9	840
20	33	4.1	820
21	33	4.7	815
22	32	4.5	820
23	32	4.4	845
24	34	5.1	800
25	33	5.4	765

33      4.9      837

**King Henry**

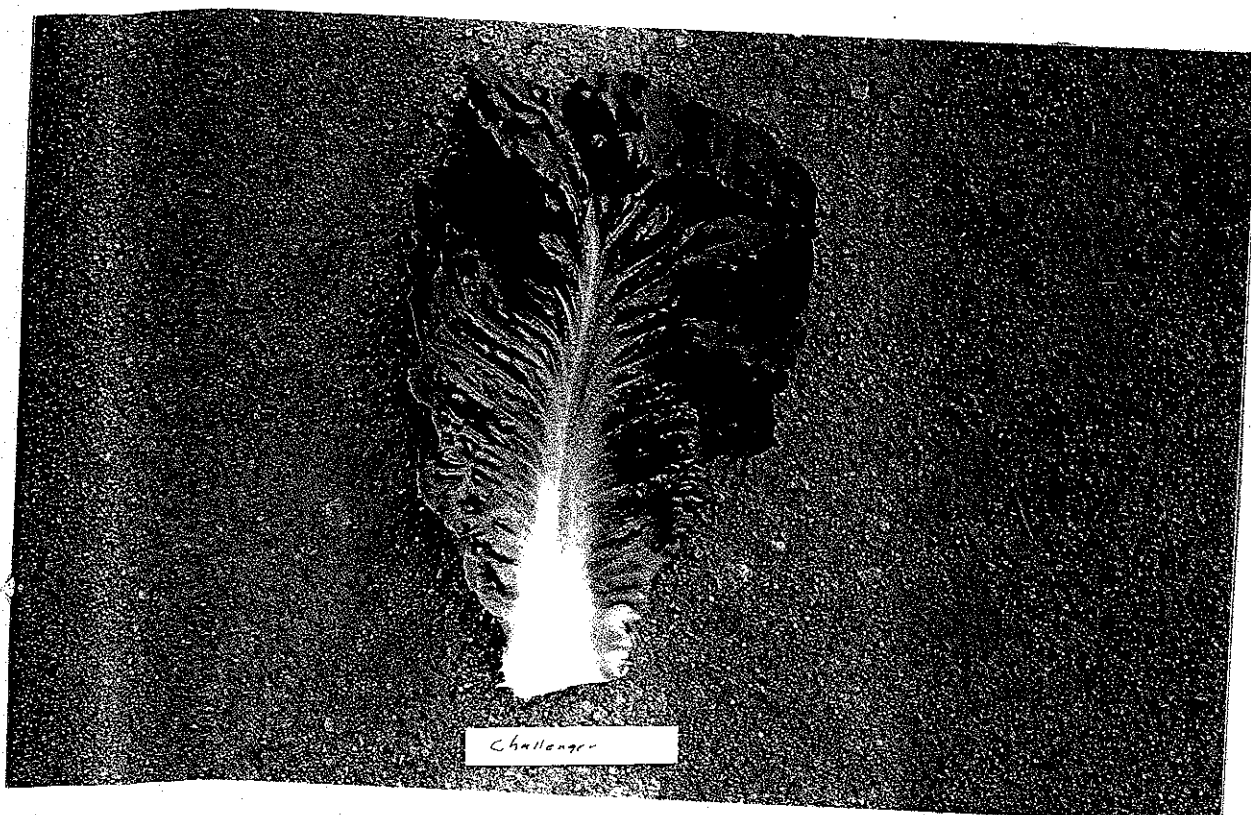
Plant #	Plant Height	Core Length	Weight
1	29	3.7	740
2	30	3.6	740
3	31	3.5	755
4	30	3.7	715
5	29	3.4	730
6	29	4.0	725
7	27	3.6	715
8	29	3.5	740
9	29	3.6	780
10	29	3.4	700
11	30	3.3	720
12	30	3.7	725
13	28	3.5	745
14	29	3.0	730
15	29	3.9	710
16	29	3.2	745
17	28	4.0	770
18	30	3.9	765
19	30	3.6	710
20	28	3.7	735
21	28	3.9	735
22	27	4.0	720
23	28	3.1	715
24	29	3.2	720
25	28	3.4	710

29      3.6      732



Challenger

20050039



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  3 STAR LETTUCE, LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME  CHALLENGER
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  P.O. BOX 10489 SALINAS, CA 93912	5. TELEPHONE (Include area code)  (831) 675-3790	6. FAX (Include area code)  (831) 675-3826
7. PVPO NUMBER  200500342		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

THE VARIETY IS OWNED BY 3 STAR LETTUCE WHICH IS A LLC FORMED IN CALIFORNIA AND FILED WITH THE STATE OF CALIFORNIA ON MAY 18, 2001.

THE VARIETY CHALLENGER WAS ACQUIRED FROM THE LETTUCE BREEDING PROGRAM AND CONDUCTED BY TANIMURA AND ANTLE, A SALINAS BASED LETTUCE GROWER/SHIPPER, AND COMMERCIALIZED BY 3 STAR LETTUCE, LLC. THE TANIMURA AND ANTLE PROGRAM WAS ASSIGNED TO 3 STAR LETTUCE IN 2002, WITH ALL BREEDING LINES AND RIGHTS BECOMING THE PROPERTY OF 3 STAR LETTUCE, UNDER A COOPERATIVE BUSINESS AGREEMENT BETWEEN THE TWO COMPANIES.

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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